

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ALISON BATTAGLIA,)	CASE NO. 1:07CV0778
)	
PLAINTIFF,)	JUDGE CHRISTOPHER BOYKO
)	
vs.)	MAG. JUDGE McHARGH
)	
UNITED STATES OF AMERICA,)	PLAINTIFF'S IDENTIFICATION OF
)	EXPERTS AND PRODUCTION OF
DEFENDANT.)	<u>EXPERT REPORTS</u>

Plaintiff, Alison Battaglia, by and through her Attorney, Donald J. Kral, of Reddy Baran &

Kral Co., hereby identifies the following experts and produces the following expert reports:

1. George R. Schoedinger, III, M.D.
Premier Care South Division
12369 Old Tesson Road, Suite 115
St. Louis, MO 63128

The Report and Curriculum Vitae of Dr. Schoedinger, a Board Certified Orthopedic Surgeon, along with his statement regarding trial testimony are attached hereto.

2. Burke Rosen & Associates
2800 Euclid Avenue, Suite 300
Cleveland, Ohio 44115

Dr. Burke & Dr. Rosen's report regarding the \$2,902,924 present value of the future cost of care for Alison Battaglia is attached hereto. Burke Rosen & Associates will shortly be supplementing their report with a present value of future lost wages.

3. Patrick Tennican, M.D.
4219 E. 65th Avenue
Spokane, WA 99223-1806

Dr. Tennican, Board Certified in Internal Medicine and in the Subspecialty of Infectious Medicine, has previously filed on February 4, 2008, a Declaration of Patrick Tennican, M.D. (including his Curriculum Vitae), which is incorporated herein. The Affidavit of Merit of Patrick Tennican, M.D. was filed in conjunction with Plaintiff's First Amended Complaint and is also incorporated herein. Plaintiff reserves the right for Dr. Tennican to supplement and expand upon these reports once Plaintiff is able to identify and obtain documents that are being held on behalf of the Defendant V.A.'s national office which have not yet been produced in this matter.

4. Jerrold Scott Petrofsky, Ph.D, J.D.
Professor and Director of Research Laboratories
School of Allied Health
Loma Linda University
Loma Linda, CA 92350

Dr. Petrofsky's Report and Curriculum Vitae are attached hereto.

5. Garth James, Ph.D.
Medical Projects Manager
Center for Biofilm Engineering
366 EPS Building
Montana State University
Bozeman, Montana 59717

Dr. James' Report is attached hereto.

6. Electrical Engineer

Plaintiff reserves the right to identify an electrical engineer as an expert once Plaintiff is able to identify and obtain documents that are being held on behalf of the Defendant V.A.'s national office and have not yet been produced in this matter.

7. Francis Papay, M.D.
The Cleveland Clinic Foundation
9500 Euclid Avenue
Cleveland, Ohio 44106

Dr. Papay, most recently identified as the surgeon who operated on LeBron James and as a member of The Cleveland Clinic surgical team that completed the first facial transplant in the United States, was deposed in this matter as Alison Battaglia's treating physician. Pursuant to federal case law, Dr. Papay was questioned by Plaintiff's Counsel and responded regarding certain expert issues directly associated with his diagnosis, care and treatment of Plaintiff. This included his opinions that he met the standard of care (p. 147 of his deposition transcript), that the implanted wires were the cause of the medical abscesses Plaintiff was experiencing and he was surgically removing (p. 146 of his deposition transcript), that all of the surgical procedures contained in his medical file for Alison Battaglia were necessitated by the wire fragments left in Alison's lower extremities and hips and pelvis (p. 160 of his deposition transcript), and that the osteomyelitis Alison experienced and he surgically addressed resulted from both the wires causing inflammation near the bone and her paraplegia (pp. 172-173, 175 of his deposition transcript).

Plaintiff reserves the right to supplement the above expert reports and provide additional materials as this action continues as well as to use as an expert any of the expert witnesses identified by Defendant in this matter. Plaintiff further reserves the right to ask questions of either current or former employees of the Defendant that may be considered to be of an expert nature where such questions fall within the expertise of the witness.

/s/ Donald J. Kral
DONALD J. KRAL #0042091
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Attorney for Plaintiff, Alison Battaglia

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of June, 2009, a copy of the foregoing was electronically filed. A notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the court's system.

/s/ Donald J. Kral

Donald J. Kral, 0042091

Attorney for Plaintiff, Alison Battaglia